

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATE OF AMERICA, : **NOTICE OF MOTION**
 : **TO SUPPRESS PHYSICAL**
 - against : **EVIDENCE**

PETER FOREMAN, : **07 CR 735 (LAK)**

Defendant. :

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SIR OR MADAM:

PLEASE TAKE NOTICE that upon the annexed Affirmations of PETER FOREMAN and MARK B. GOMBINER, ESQ., the undersigned will move this Court, before the Honorable Lewis A. Kaplan at the United States Courthouse, 500 Pearl Street, New York, New York, on October 26, 2007, or as soon thereafter as counsel may be heard, for an ORDER suppressing physical evidence seized from the defendant, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, on the grounds that the evidence was obtained in violation of the defendant's rights under the United States Constitution, or, in the alternative, granting a hearing on the motion, and granting such other and further relief as appears just and proper.

Dated: New York, New York
September 17, 2007

Respectfully submitted,

LEONARD F. JOY, ESQ.
Federal Defenders of New York

By:

MARK B. GOMBINER, ESQ.
Attorney for Defendant
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